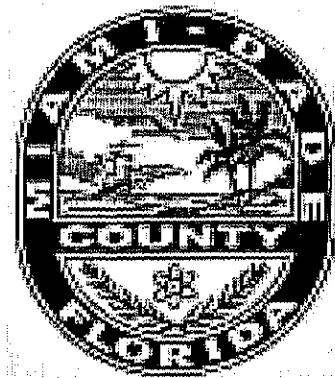


# **Miami Dade County**

Stephen P. Clark Government Center  
111 N.W. 1st Street  
Miami, Fl. 33128



**OFFICE OF THE COMMISSION AUDITOR**  
**Legislative Division**

Tuesday, November 30, 2004  
9:30 am  
Commission Chambers

**Board of County Commissioners**

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*RESOLUTION APPROVING AN AMENDMENT TO THE PEOPLE'S  
TRANSPORTATION PLAN (PTP) TO INCLUDE PARATRANSIT/SPECIAL  
TRANSPORTATION SERVICES (STS) AS AN ELIGIBLE PROJECT FOR CHARTER  
COUNTY TRANSIT SURTAX FUNDS IN AN AMOUNT NOT TO EXCEED \$55.4  
MILLION AND SET TO EXPIRE APRIL 1, 2010 [SEE AGENDA ITEM NO. 7J11  
SUBSTITUTE*

Miami-Dade Transit

**I. SUMMARY**

**4(FF)**

Amends the Peoples Transportation Plan (PTP) in order to include increases in the operating costs associated with the Specialized Transportation Services (STS) program.

**7(J)(1)(I)**

Allows for proceeds from the Charter County Transportation Surtax (1/2 cent), in the amount of \$55.4 million, to be applied to the current STS contract with Advanced Transportation Solutions (ATS) in order to cover increases in the cost of the program that were not anticipated in the original Pro-forma associated with the PTP.

**II. PRESENT SITUATION**

When the original PTP Pro-forma was presented to the Board of County Commissioners in 2002, the previous administration anticipated the five year cost of the STS program at approximately \$164 million.

Subsequent to the passage of the PTP, various factors were introduced that drove up the costs of providing STS service. Some of these factors were increases in fuel costs, insurance costs, time associated with each trip, as well as the instillation of a new software system (TRAPEZE). These increased costs resulted in a contract award recommendation presented to the BCC for an amount of \$219 million.

Not all of these increases, or at least the magnitude of these increases, were anticipated (or properly reflected) in the original PTP.

Further, the maintenance of effort subsidy reflected in the original PTP was not enough to cover the operating costs of many of the existing programs.

**III. POLICY CHANGE AND IMPLICATION**

Approval of these items would mean that an additional amount of \$55.4 million, from Surtax funds, would be provided to the STS program in order to subsidize the difference

**BCC ITEM 4(FF), 7(J)(1)(I), & Substitute  
November 30, 2004**

between the contract amount originally anticipated when the PTP passed and the actual amount approved for the contract with ATS.

However, as Surtax monies are used for programs or projects that that were not previously anticipated, the effect on the overall PTP must be reflected. By year five, the Surtax subsidy for STS service would be \$19 million annually. The Pro-forma must be updated to reflect what projects must be delayed or modified in order to account for the use of funds that were not originally programmed for subsidation of existing programs.

#### **IV. ECONOMIC IMPACT**

Although the department lists an amount of \$55.4 million from the Surtax, this amount may not accurately reflect the negative impact to the PTP.

If these monies were to be utilized as local matching finds for a Capital Project, the effect to the PTP could be 2 to 3 times the cost of the increase to the program in lost State and Federal Matches.

Further, if use of these funds causes a delay in a project, an increase in the cost of materials and labor must be anticipated.

#### **V. COMMENTS AND QUESTIONS**

Since the passage of the PTP on November 5, 2002, the Board of County Commissioners has been presented with various items (and/or projects) requiring usage of Surtax funds that may not have been accurately reflected in the PTP and associated Pro-forma.

For example, on October 7, 2003, the Board was presented with a list of Capital Improvement Projects that some members felt were not a part of the original PTP. (See **Attachment 1**) This list of projects totaled approximately \$400 million.

Further, many public works projects, such as drainage, paving, traffic signalization, and street lighting projects have garnered debate with respect to whether or not they should be included in the PTP, and if so, were the accurately reflected in the original PTP.

When you begin to add up costs associated with the increased operating costs of current programs, the list of items in Attachment 1, additional projects amended into the PTP, and the cost of the STS program, the total amount of projects that were not specifically detailed in the original PTP or Pro-forma are equal to , or above, the amount that would be required as the local matching share of one of the major rail corridor projects.

**This item alone will cost more than our local matching share would have been for the Earlington Heights Connector.**

# Attachment 1

## Projects to be funded by the PTP (in thousands)

Mover Veh. Rehab	15,400
Bus Washers & Vac. Repl	4,619
TestTrack for Metrorail	4,000
Station Refurbishments	12,000
Paint Facilities	4,061
Replace Escalators	4,686
Replace Elevators	2,930
Guideway Painting	5,500
Replac Hydraulic Lift	2,600
Replace Piston lift	1,000
Metrorail Piers Coating	5,000
Metrorail Piers Grounding	250
Bus Preventive Maintenance	2,164
Replacement of Accoustical Barrier	2,500
Replace Rail Vehicle Wash	1,000
Rail F & G Inspections	2,700
Facilities Roof Proj.	6,484
Fare Collection Replac	50,000
Upgrade Illumination	2,962
Rail Midlife Rehab.	188,830
Enhancements	14,514
Additional Pedestrian overpass (4)	10,000
Additional Metrorail Crossovers	10,000
Additional Bus Garage	44,000
Total	397,220

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

**ITEM 6(A)**

*ORDINANCE AMENDING SECTIONS 2-11.1, 2-11.1.1 AND 12-22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO EMPOWER ETHICS COMMISSION TO REQUIRE RESTITUTION WHEN A PERSON VIOLATES CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE, ETHICAL CAMPAIGN PRACTICES ORDINANCE OR ELECTION CAMPAIGN FINANCING TRUST FUND ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO.11A3]*

Commissioner Natacha Seijas

**ITEM 11(A)(3)**

*RESOLUTION ESTABLISHING AN ADMINISTRATIVE ORDER FOR RESTITUTION FOR ETHICS VIOLATIONS AND VIOLATIONS OF THE ELECTION CAMPAIGN TRUST FUND ORDINANCE [SEE AGENDA ITEM NO. 6A]*

County Manager

**I. SUMMARY**

**ITEM 6A**

This ordinance amends the Code of Miami-Dade County ("Code") to require restitution to be paid for any direct or indirect pecuniary (i.e. financial) benefit from violating any of the following ordinances:

- Conflict of Interest and Code of Ethics
- Ethical Campaign Practices
- Election Campaign Financing Trust Fund

**Item 11A3**

This resolution creates the A.O. that describes the process for assessing and collecting restitution, as required by the above ordinance. In general, it specifies that:

- the Ethics Commission would determine the amount of the restitution;
- any funds collected would go to the Countywide General Fund (or the Election Campaign Finance Trust Fund for violations of such); and
- the ordered amount of restitution cannot exceed the total financial benefit gained as determined by an audit or investigation.

**II. PRESENT SITUATION**

Pursuant to the current Code, the Ethics Commission can subject violators of the above referenced ordinances to public reprimand and/or fines (the State Attorney's office can additionally pursue jail time). These ethics codes and penalties for violations apply to any of the covered persons specified in the Code.<sup>1</sup> The Florida Commission on Ethics can already impose restitution for state ethics violations.

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<sup>1</sup> Elected officials, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel, employees, immediate family, contractors, vendors, a candidate and his/her campaign staff

### III. POLICY CHANGE AND IMPLICATION

In addition to the existing penalties for ethics violations, this would also allow the Ethics Commission to require restitution for any financial benefits received by the person or a third party as a result of the person's violation.

### IV. ECONOMIC IMPACT

Any restitution collected would be deposited in the Countywide General Fund or the Campaign Financing Trust Fund, as applicable.

The Ethics Commission does not anticipate any fiscal impact in its role in determining the amount of the restitution.

### V. COMMENTS AND QUESTIONS

While most major local, state and federal governments have Ethics Commissions and a codified Code of Ethics, not many empower the Ethics Commission to impose restitution for violations. Based on the information provided in The Council on Governmental Ethics Laws (COGEL)<sup>2</sup> 2003 update, six jurisdictions explicitly provide for restitution in their code: Alabama, Florida, Mississippi, Navajo Nation, Pennsylvania, and West Virginia. Of the 11 largest counties in Florida, Miami-Dade County would be the first in which restitution, if applicable, would be required for ethics violations. Note: Of these 11 counties, only Miami-Dade and Duval have a codified Code of Ethics and offers Public Campaign Financing. (See table attached.)

The proposed A.O. does not make any references to:

- how long the violator may take to pay back the restitution
- what impact, if any, outstanding restitution affects violators in the future (e.g. would there be any prohibition on getting future contracts until restitution is fully paid by the vendor?)
- the actual mechanism for collecting and monitoring the restitution (e.g. would funds be submitted to the Ethics Commission, who would then forward the funds to the County's Finance Department?)

Any final order (or advisory opinion) issued by the Ethics Commission is subject to review with the Florida Rules of Appellate Procedure.

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<sup>2</sup> COGEL is a professional organization for government agencies, organizations, and individuals with responsibilities or interests in governmental ethics, elections, campaign finance, lobby laws and freedom of information. [www.cogel.org](http://www.cogel.org)

BCC ITEM 6(A) and 11(A)(3)  
Ethics Ordinances in the  
Top 10 Largest Counties in Florida\*

County	Population	Code of Ethics?	Public Campaign Financing?	Restitution Required with Violation?	Comments
Broward	1,698,425	X			
Brevard	507,810				
Duval/Jacksonville	826,279	X	X		
Hillsborough	1,079,587	X			
Lee	495,088	X			
Orange	983,165		X		Currently establishing a Code of Ethics.
Palm Beach	1,211,448				
Pinellas	939,864	X			Ethics code only regarding accepting gifts.
Polk	511,929				
Volusia	470,770	X			Ethics code only regarding accepting gifts.

\* Excluding Miami-Dade County

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-151.18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DELINEATING LOCATION OF OUTDOOR RECREATION PLAYGROUND/PLAY AREAS OR IN THE ALTERNATIVE INSTALLATION OF A SAFETY BARRIER AT CERTAIN CHILD CARE FACILITIES; REQUIRING EXISTING CHILD CARE FACILITIES TO COMPLY WITH REQUIREMENT WITHIN TWO YEARS OF ORDINANCE'S EFFECTIVE DATE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE*

Senator Javier D. Souto

**I. SUMMARY**

This ordinance would amend Section 33-151.18 of the Codes of Miami-Dade County relating to Child Care Facilities.

The amendment provides that no child care facility shall allow for an outdoor recreation area for children on the side or front of the establishment if the facility abuts a section line of half section line right-of-way on said sides.

The front and side areas abutting the right-of-ways may be used for recreational areas if the facility installs safety barriers designed by a professional engineer and approved by the Miami-Dade Public Works Department.

**II. PRESENT SITUATION**

Currently there are safety barrier requirements at child care facilities that abut bodies of water.

There are no specific "barrier" requirements for the sides of the properties which abut roads (or right-of-ways).

**III. POLICY CHANGE AND IMPLICATION**

The purpose of these changes is to require a more substantial spacing between outdoor recreation and play areas and major roadways or, if not feasible, to create a more substantial barrier from vehicular traffic.

These changes would provide a level of safety for children from hazards associated with vehicles, or debris, leaving the roadway and entering the property.

Further, these barriers would prevent children from accidentally straying into the right-of-way.



**IV. ECONOMIC IMPACT**

There is no direct fiscal impact to the County.

However, there may be some costs associated with the Public Works Departments requirement to approve and inspect these barriers.

Further, there may be costs associated with these current facilities and their ability to comply with the codes as amended.

**V. COMMENTS AND QUESTIONS**

Although the safety concerns addressed by the requirement of barriers are evident, there may be some concern from the child care facilities regarding the increased cost of providing these barriers.

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*ORDINANCE RELATING TO RULES OF PROCEDURE; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE THAT COUNTY MANAGER FOLLOW SPECIFIED PROCEDURE REGARDING PROPOSED AGENDA ITEMS NOT DELIVERED IN ACCORDANCE WITH "4-DAY RULE"; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE*

Commissioner Jose "Pepe" Diaz  
Commissioner Rebeca Sosa

**I. SUMMARY**

This ordinance amends the Rules of Procedure to require that County Manager-sponsored items not submitted in accordance with the "4-day rule" cannot be placed on the agenda unless the County Manager attaches a memorandum to the item stating the reason(s) why the item is time sensitive.

**II. PRESENT SITUATION**

Currently, for Manager items *not* submitted four days before the scheduled BCC meeting (three days before Committee meetings) to be placed on the agenda, the County Manager must certify in writing that either the item is

- (1) time sensitive or
- (2) an emergency affecting life, health, property, or public safety.

**III. POLICY CHANGE AND IMPLICATION**

This would require a written explanation of the reason(s) for the untimely placement of these items on an agenda and minimize questions that may arise as to whether the "4-day rule" should be waived for these items.

**IV. ECONOMIC IMPACT**

None.

**V. COMMENTS AND QUESTIONS**

A previous similar amendment to this section of the Code (Reso. No. 01-165) required that the Manager state in writing that a matter is either (1) time sensitive or (2) an emergency affecting life, health, property, or public safety. This proposed amendment further requires that the reason(s) why the item is time sensitive is provided in a separate memorandum attached to the item.

This item makes no change to the requirement that such items require the affirmative vote of 2/3 of members present for adoption.

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*ORDINANCE GRANTING ENTERPRISE ZONE AD VALOREM TAX EXEMPTION TO APPLE SAUCE, INC., D/B/A APPLEBEE'S RESTAURANT, A NEW BUSINESS LOCATED IN THE ENTERPRISE ZONE; PROVIDING SCOPE AND TERMS OF EXEMPTION; PROVIDING SEVERABILITY, EFFECTIVE DATE AND EXPIRATION DATE*

*ORDINANCE GRANTING ENTERPRISE ZONE AD VALOREM TAX EXEMPTION TO BARNEY'S, INC., A NEW BUSINESS LOCATED IN THE ENTERPRISE ZONE; PROVIDING SCOPE AND TERMS OF EXEMPTION; PROVIDING SEVERABILITY, EFFECTIVE DATE AND EXPIRATION DATE*

*ORDINANCE GRANTING ENTERPRISE ZONE AD VALOREM TAX EXEMPTION TO WALGREENS COMPANY A NEW BUSINESS LOCATED IN THE ENTERPRISE ZONE; PROVIDING SCOPE AND TERMS OF EXEMPTION; PROVIDING SEVERABILITY, EFFECTIVE DATE AND EXPIRATION DATE*

*ORDINANCE GRANTING ENTERPRISE ZONE AD VALOREM TAX EXEMPTION TO TRUJILLO BROTHERS OF MIAMI-DADE, CORP. (TRUJILLO AND SONS) A NEW BUSINESS LOCATED IN THE ENTERPRISE ZONE; PROVIDING SCOPE AND TERMS OF EXEMPTION; PROVIDING SEVERABILITY, EFFECTIVE DATE AND EXPIRATION DATE*

*ORDINANCE GRANTING ENTERPRISE ZONE AD VALOREM TAX EXEMPTION TO COLONIAL PRESS INTERNATIONAL, INC., AN EXPANDED BUSINESS LOCATED IN THE ENTERPRISE ZONE; PROVIDING SCOPE AND TERMS OF EXEMPTION; PROVIDING SEVERABILITY, EFFECTIVE DATE AND EXPIRATION DATE*

Office of Community and Economic Development

**I. SUMMARY**

The Office of Community and Economic Development (OCED) recommends that the BCC approve the ordinances granting Enterprise Zone Ad Valorem Tax Exemption to Apple Sauce, Inc., d/b/a Applebee's Restaurant, Barney's Inc., Walgreens Company, Ttujillo Brothers of Miami-Dade, Corp. (Trujillo and Sons), and Colonial Press International, Inc.

**II. PRESENT SITUATION**

The Enterprise Zone Ad Valorem Tax Exemption was authorized by this Board through Ordinance 88-27 and revised under Ordinance 96-74. To be eligible for the exemption, a new or expanding business must create a minimum of five (5) new full-time jobs. If 20% or more of the company's employees are residents of an Enterprise Zone, the exemption for that year will be 100% of the assessed value of all improved real property or tangible personal property. If the company does not meet the 20% rule then its exemption will be

**BCC ITEM 6(I), 6(J), 6(K), 6(L), & 6(Q)**

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limited to 50% of the assessed value. OCED will monitor the firm's compliance during the life of the exemption.

**III. POLICY CHANGE AND IMPLICATION**

The Enterprise Zone Tax Credits stimulate economic development within the Enterprise Zone. In this agenda, 149 are projected to be created.

**IV. ECONOMIC IMPACT**

	6I	6J	6K
	Apple Sauce, Inc., d/b/a Applebee's Restaurant	Barney's Inc.	Walgreens Company
Commission District	9	5	5
Total new investment	\$1,500,000	\$510,000	\$1,200,000
Projected new jobs	48	14	15
Term	5 years	5 years	5 years
Exemption per year	\$1,681.07 (50%)	\$694.85 (50%)	\$3,962.46 (100%)
EZ employees	6 (13%)	2 (14%)	3 (20%)
Non-Miami-Dade EEs	0	2	1

	6L	6Q
	Ttujillo Brothers of Miami-Dade, Corp. (Trujillo and Sons)	Colonial Press International, Inc
Commission District	3	2
Total new investment	\$1,805,560	\$3,000,000
Projected new jobs	62	10
Term	5 years	5 years
Exemption per year	\$8,829.67 (100%)	\$8,033.13 (50%)
EZ employees	14 (23%)	17 (12%)
Non-Miami-Dade EEs	2	0

**V. COMMENTS AND QUESTIONS**

- OCED is the department responsible for monitoring job creation and verifying the percentage of Enterprise Zone Employees each company reports.

**Business Incentives :**  
**Business Incentives: State and Local**  
**Incentives**

**What is the Enterprise Zone?**

The Enterprise Zone is a designated area within Miami-Dade County, offering financial incentives to businesses that locate or expand there. The Enterprise Zone was established in 1986 when, in response to a ballot issue proposed by the Miami-Dade County Commission, local taxpayers ratified its creation.

Financial incentives to create jobs in the Enterprise Zone include tax credits and exemptions. Miami-Dade County has three areas which comprise the Enterprise Zone, which are Miami Beach, Homestead/Florida City and North Central Miami-Dade County.

**Note:** The state/local Enterprise Zone program (boundaries and incentives) includes the Federal Enterprise Zone areas.















Following are specific Enterprise Zone incentives that can assist relocating or expanding companies in their efforts:

☐ **Property Tax Abatement:** Up to 100% of local property taxes can be abated by Miami-Dade County for a company moving into, or expanding within the Enterprise Zone and creating five or more jobs. The abatement can be granted for a period of up to five years.

☐ **Refund of Impact Fees:** A refund of road, police, fire, emergency services and water and sewer impact fees for firms receiving county property tax abatements for property improvements (within a municipality, the city must also authorize the tax abatement.)

☐ **Enterprise Zone Property Tax Credit:** 96% credit against corporate income tax up to \$50,000 on any ad valorem property taxes not abated by local government, for a period of up to five years.

☐ **Enterprise Zone Jobs Tax Credit:** 15% credit

-  Empowerment Zone Initiatives
-  State and Local Enterprise Zone Incentives
-  Taxes
-  State Incentives
-  Labor Training
-  Community Development Revolving Loans
-  Micro Enterprise Assistance and Peer-Lending Programs
-  Urban Jobs Tax Credit Program
-  Industrial Development Bonds
-  Enterprise Bonds
-  Commercial Revitalization
-  Jobs for Hiring Wages Incentive Fund
-  Empowerment Zone Fast Facts
-  A Vibrant Community...A Solid Commitment

against corporate income tax or sales and use tax on wages paid to each new employee who is a resident of the Enterprise Zone.

☐ Sales Tax Refund: A 97% refund of sales tax up to \$10,000 in business property and on building materials purchased for use by the company.

☐ Credit on Corporate Donations: A state tax credit of 50% of the value of donations, for Florida corporations making donations toward community development and low-income housing projects.

### **Additional Business Incentives**

When companies decide to relocate their operations, they want the best deal for their relocation dollar. In Miami-Dade County, Florida, companies can find just that.

When attracting new businesses to our community, or encouraging the start-up or expansion of businesses that are already here, the Beacon Council promotes the many advantages of doing business in Miami-Dade County. Those advantages include a number of business incentive programs and a favorable tax structure that have encouraged many domestic and international companies to relocate or expand their operations here.

Training programs, financial assistance and tax incentive programs are available to businesses through the State of Florida, Miami-Dade County and local municipalities. Florida's status as a "right-to-work" state is an additional asset when recruiting or relocating employers, or encouraging the growth of local businesses within Miami-Dade County.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*ORDINANCE RELATED TO ZONING; AMENDING SECTIONS 33-1, 33-279, AND 33-150 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DEFINING WINERY; PERMITTING WINERY AND ANCILLARY USES IN AU DISTRICT SUBJECT TO CONDITIONS; MODIFYING ALCOHOLIC BEVERAGE SPACING REQUIREMENTS FOR WINERIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 041773]*

Commissioner Dennis C. Moss

**I. SUMMARY**

This ordinance amends the Code of Miami-Dade County to define winery and permit winery and ancillary uses in Agricultural (AU) Districts, subject to various conditions.

The proposed code additions are summarized as follows:

- 1) Winery is defined as an agricultural processing facility used for producing wine made from fruit *locally grown* (i.e. in Miami-Dade County) and where such wine products may be tasted and sold.
- 2) The principal use of the property must be for a working grove or vineyard and the winery shall be the secondary use.
- 3) The property on which these are located must be at least ten (10) acres.
- 4) Maximum of 250,000 gallons of wine may be produced in any one calendar year.
- 5) Maximum lot coverage for all structures related to the winery, wine storage, wine tasting and wine sales is limited to ten (10) percent of the net lot area.
- 6) Off-street parking requirements are stipulated for wine tasting and sales areas and outdoor festivals.
- 7) Food service must be accessory to the production of wine and is limited to hors d'oeuvres and other snacks that are prepared off-site. No commercial kitchen will be allowed.
- 8) Hours of operation for the winery cannot extend beyond 10:00 p.m.
- 9) No more than six (6) outdoor winery festivals per year, no more than three (3) days long each, providing that proper permits are obtained and written waivers of objection are obtained from *all* property owners within 500 feet or 80% of the property owners within one-thousand feet prior to the occurrence of the *first* festival.<sup>1</sup>
- 10) The use must conform to the requirements of the County's Department of Environmental Resource Management and the special events requirements of the County's Police Department, if applicable.
- 11) The use of mechanically amplified live entertainment is prohibited.

The main amendments made since this item was before the Governmental Operations & Environment (GOE) Committee were to clarify the definition of winery and to allow for live entertainment. *Note: An amendment expected to be made at this BCC meeting is to exclude the East Everglades from use as a winery.*

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<sup>1</sup> Written waivers are not required for subsequent festivals.

## II. PRESENT SITUATION

As of last year, there were 31 licensed wine manufacturers or bottlers operating in Florida.<sup>2</sup> Under the Florida Right-to-Farm Act, wineries are an acceptable ancillary use for agricultural enterprises. However, the County code does not currently define or provide for wineries. Federal and state licenses are required to operate a winery.

## III. POLICY CHANGE AND IMPLICATION

County staff consulted with the State's Department of Agriculture and County Planning & Zoning staff to prepare what they consider are average or above average zoning standards for wineries in Miami-Dade County. Limiting the winery as an ancillary use and the other above stipulations (particularly, limitations on operating hours, festivals, and prohibition on food preparation on premises) are meant to address concerns that may be raised with what is basically a commercial operation in an agricultural area.

In addition to the County's noise ordinance that would apply, the proposed zoning code also prohibits the use of mechanically amplified live entertainment at the winery. The *original* version of this code prohibited any live entertainment, which could have hindered the success of certain wineries, as wine sales could decline if the winery festival does not attract enough potential customers.

## IV. ECONOMIC IMPACT

See comments.

## V. COMMENTS AND QUESTIONS

Zoning changes have occurred in many jurisdictions to permit for wineries in agricultural districts. Wineries can provide an economic impetus not only from the distribution and selling of wine, but from the creation of new markets and jobs and tourism. For example, approximately 40% of existing crops are never picked off trees because there is no market for them, and it would cost more to pick them than they are worth in the market. Wineries can use this extra and/or bruised fruit in the production of wines. Truck drivers would be needed to move and ship the wines. Packaging (cartons, labels, etc.) of the wine would have to be procured. Winery tours can attract more residents to the area.

Opponents might raise concerns about the potential increase in traffic and noise, or the impact on water and sewer in the area and the preservation of open space. However, the proposed Code would set limits on winery activities, and the winery would be compatible with neighboring land uses. In addition, County staff indicates that there is broad support in the agricultural community for this use.

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<sup>2</sup> Thompson, Bill. "County May Acquire Its First Winery" Star Banner (Ocala, Florida). Nov. 28, 2003.



## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION DIRECTING THE MANAGER TO CREATE AND IMPLEMENT A PROACTIVE EDUCATION AND ENFORCEMENT CAMPAIGN TO PREVENT THE THEFT OF SHOPPING CARTS; AND DIRECTING THE MANAGER TO ENFORCE COUNTY CODE SECTIONS 8A-76 AND 8A-76.1 REQUIRING BUSINESS ESTABLISHMENTS TO POST SIGNS WARNING SHOPPERS ABOUT THE ILLEGALITY OF REMOVING SHOPPING CARTS FROM PLACES OF BUSINESS*

Commissioner Javier D. Souto

### I. SUMMARY

This proposed ordinance would direct the County Manager to implement a proactive education and enforcement campaign to prevent the ongoing theft of shopping carts. In addition, the proposed ordinance would direct the County Manager to enforce Sec. 8A-76 and 8A-76.1 relating to required signage to reduce the theft and removal of shopping carts from business premises

### II. PRESENT SITUATION

Sec. 8A-76(a) provided for businesses to put a warning notice in English and Spanish on all shopping carts unless the firm meets certain requirements and obtains an exemption from the Director of Consumer Services Department (CSD).

- Sec. 8A-76, which was established by Ordinance 96-3, included a sunset provision that may have repealed this section in January 2001. Extension beyond the sunset date is unclear; see Section V of this analysis for additional information on the sunset provision.

Sec. 8A-76.1 (which was separately enacted in Ordinance 97-213 and did not include a sunset provision) provides for:

- (1) A "*shopping cart identification sign*" with the name, address and phone number of the retail establishment and civil penalties for failure to comply;
- (2) Delegation of enforcement authority and responsibility to the Department Solid Waste Management;
- (3) Designation of all "*employees and officers of Miami-Dade County*" as agents of the County and directs that "*any identifiable shopping carts found on public property during the course of their official duties shall be reported to the Department of Solid Waste Management....[that] shall collect the shopping carts and place them in storage.*"
- (4) Notice to shopping cart owners, retrieval responsibility, penalties and fees.

### III. POLICY CHANGE AND IMPLICATION

This ordinance would serve as the vehicle for addressing the Sunset issues listed above with regards to this program.

**BCC ITEM 6(R)**  
**November 30, 2004**

Aggressive enforcement may improve the appearance of our communities and would support the efforts of the Community Image Advisory Board.

However, the penalties associated with removal of said carts from a shopping center may be seen by some as too harsh.

Additionally, the County Departments tasked with monitoring the program and notifying the stores of stray carts will also have to assume the costs of these services.

**IV. ECONOMIC IMPACT**

Aggressive enforcement may increase costs for the Department of Solid Waste Management.

**V. COMMENTS AND QUESTIONS**

Store owners may be eligible for a waiver of the posting requirements listed within this ordinance if they meet one or all of the following criteria listed in Sec. 8A-76 subsection (c):

- (1) Constructs barriers to prevent the removal of shopping carts; or
- (2) Attaches alarm mechanisms to shopping carts to prevent their removal; or
- (3) Implements a policy of not allowing the customer to exit the store with shopping carts, provides an employee to carry or wheel the customer's merchandise to the customers' vehicle, and agrees to implement a program to collect their own carts that are illegally removed.

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

***RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS TO SELECT  
QUALIFIED FIRMS TO DEVELOP RETAIL LOCATIONS IN THE NORTH AND  
SOUTH TERMINALS AT MIAMI INTERNATIONAL AIRPORT***

Aviation Department

**I. SUMMARY**

This resolution proposes:

- Request to advertise a Request for Proposal (RFP) for the North/South Retail Concessions Program at Miami International Airport (MIA).
- 77 locations within the North/South Terminal will be made available through four (4) Packages.
- Companies are allowed to bid on all four (4) packages but can only be awarded one (1).
- Developers and Prime Concessionaires will be allowed to bid on all packages.
- Packages 1 & 2 consist of about 35,000 sq ft each while packages 3 & 4 have 1,732 and 2,060 sq ft respectively.

**II. PRESENT SITUATION**

Construction of the North/South Terminal is underway and locations will be phased in as construction is completed. The current agreement and temporary concessions will provide services until this agreement is put in place.

**III. POLICY CHANGE AND IMPLICATION**

- The department has decided to open all packages to Developers and Prime Concessionaires for increased competition. The industry has stated concerns over not being able to compete against one another and would prefer seeing one package available to Prime Concessionaires and the other available to developers.
- To stimulate small and local businesses the department recommends a 30% DBE Goal, that at least 50% of locations be operated by subcontractors, that the company awarded the contract provide financial support to DBE subcontractors, and made packages 3 & 4 geared to small businesses.

**IV. ECONOMIC IMPACT**

A Minimum Annual Guarantee (MAG) of \$0.24 per enplanement is required. Basing the MAG on a per enplanement bases allows for increased payments with increase in traffic at MIA while it also allows for a lower MAG if MIA's traffic drops.

**V. COMMENTS AND QUESTIONS**

**BCC ITEM 7(A)(1)(A)**

**November 30, 2004**

- The Supplement Item provided recommends that Prime Operators cannot operate more than 50% of the locations, but at the Transportation Committee Workshop at MIA last week, the department recommended allowing Primes to operate up to 60% of the locations.

## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION APPROVING LOCAL SMALL CAR RENTAL PROGRAM FOR CAR RENTAL OPERATIONS AT MIAMI INTERNATIONAL AIRPORT, AND AUTHORIZING THE COUNTY MANAGER TO TAKE APPROPRIATE STEPS TO PLACE SUCH PROGRAM INTO EFFECT*

*RESOLUTION AUTHORIZING ADVERTISEMENT AND AWARD OF A TIER 1A INTERIM PERIOD CAR RENTAL POSITION AT MIAMI INTERNATIONAL AIRPORT TO BE FILLED BY A CERTIFIED LOCAL SMALL CAR RENTAL PROGRAM PARTICIPANT; AUTHORIZING THE COUNTY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING SIGNED BY TWENTY-TWO CAR RENTAL COMPANIES GOVERNING THEIR COMMITMENT TO, AND USE OF, THE PROPOSED CAR RENTAL FACILITY SO AS TO PERMIT A REDUCED OPPORTUNITY FEE TO BE PAID BY THE TIER 1A LSCR PARTICIPANT; AND AUTHORIZING COUNTY MANAGER TO ADVERTISE AND AWARD TWO TIER 1B INTERIM PERIOD ON-AIRPORT CAR RENTAL COMPANY CONCESSION AGREEMENTS AT MIAMI INTERNATIONAL AIRPORT*

Aviation Department

### I. SUMMARY

In Resolution No. R-659-01 the Board approved the advertisement of one DBE Tier 1A "Interim Period" car rental concession agreement at Miami International Airport (MIA). The "Interim Period" is the period between award of the in-terminal agreement and the completion of the Rental Car Facility (RCF). The Federal Aviation Administrations (FAA) suggested we identify a race-neutral small business set-aside instead of our DBE Tier 1A plan. The Board approved Resolution No. R-851-01 holding the Tier 1A position until an alternative was provided by the County Manager.

The DBE Tier 1A agreement requires a 4.5% opportunity fee instead of the 9% Tier 1A opportunity fee.

### II. PRESENT SITUATION

The Aviation Depart has developed a Local Small Car Rental (LSCR) Program which is before the Board for approval. The Department has consulted with the FAA which indicates no opposition to the LSCR Program. The County has entered into a Memorandum of Understanding with 22 car rental companies which would have to be amended if the LSCR Program is approved by the Board.

### III. POLICY CHANGE AND IMPLICATION

Item 7(A)(1)(D) presents the LSCR Program for Board approval, if approved the plan will replace the DBE component of the Tier 1A Program.

**BCC ITEM 7(A)(1)(D) & 7(A)(1)(E)**  
**November 30, 2004**

Item 7(A)(1)(E) authorizes the advertisement and award of one (1) Tier 1A LSCR position and two (2) Tier 1B positions during the Interim Period.

In order for a company to be certified under the LSCR Program by the Department of Business Development (DBD), they must have:

Average annual adjusted gross revenues not greater than \$21,500,00 averaged over the preceding past three years in accordance with the Small Business Administration (SBA) size standards and,

Personal net worth not in excess of two million dollars (\$2,000,000) and,

Average annual adjusted gross revenues and personal net worth shall be reviewed annually by the LSCR Director.

**IV. ECONOMIC IMPACT**

Car Rental Concessions at MIA for FY 2003 represented \$231.9 million in reported annual gross revenues. Of eleven (11) concessionaires only one (1) firm was local, a small business with \$3.2 million in gross revenues.

**V. COMMENTS AND QUESTIONS**

- Resolution No. R-683-00 authorized the MOU with the twenty-two companies that would operate at the RCF. The MOU was entered into because the County needed to know the amount of space to be required at the RCF.
- Item 3(E) which will advertise and award the interim period agreement is requesting to limit advertisement to the 22 companies that entered into the MOU. **The County has limited the firms which can compete for space at the RCF. Is it in the best interest of the County to also limit competition during the interim period?**
- At the time of printing, the County Attorney had yet to determine if the company which purchased the assets of Inter-American should be allowed to participate in the RCF. Inter-American was a party to the original MOU and has since gone bankrupt.

## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION AWARDING PREPAID PHONE CARD VENDING MACHINES CONTRACT TO LATIN AMERICAN ENTERPRISES, INC.; AT MIAMI INTERNATIONAL AIRPORT, ITB NO. MDAD0003; AUTHORIZING COUNTY MANAGER OR DESIGNEE TO EXECUTE AGREEMENT AND TERMINATION PROVISIONS CONTAINED THEREIN; WAIVING REQUIREMENTS OF RESOLUTION NO. R-377-04*

Aviation Department

### I. SUMMARY

This resolution proposes:

- Award of the Miami International Airport phone card vending machine contract (ITB No. MDAD0003) to Latin American Enterprises, Inc. the second highest ranked bidder, and
- If Latin American Enterprises, Inc. does not execute the contract, to offer award to the other bidders in the order which they were ranked, highest to lowest, and
- Waive the provisions of Resolution No. R-377-04 pertaining to the effective date of an agreement.

### II. PRESENT SITUATION

The top ranked bidder, WTN/Blackstar/CKOR Vending Joint Venture was found by a hearing examiner be ineligible because they had failed to execute there agreement when they were awarded in 2003. The original Manager's Recommendation came before the Board in January of 2003. Two subsequent bid protest were filled.

Each of the top three bidders presently has a temporary agreement with MIA to operate phone vending machines at MIA. Presently, MIA's agreement with each vendor provides for a minimum annual guarantee. (When the original test permits were issues, the companies paid MIA 15% of gross sales. Payments were subsequently increased to 25%, and now to a MAG.)

In January of 2002, the Inspector General (IG) report, "Supplemental Report of Prepaid Phone Card Vending," raised concerns over accountability, controls, security, and consumer affairs issues in the phone card vending program. The IG report recommended that the existing vendors be audited by the County's Audit & Management Services Department (AMS).

AMS issued its final audit report in August of 2004 and concluded "that the top three bids were unreasonable and unattainable because of the declining revenues and a very competitive market." They recommended that the department asses the reasonableness of the bids. If the department finds that these bids are unrealistic, they should eliminate the top three bids and suggest the process continue with the remaining bidders.

**BCC ITEM 7(A)(1)(G)**

**November 30, 2004**

The department has taken all related reports into consideration and is recommending award to Latin American Enterprises, Inc. and if they do not execute the agreement to proceed to the next ranked bidder.

**III. POLICY CHANGE AND IMPLICATION**

Award of an exclusive contract to operate "the Prepaid Phone Card Vending Machines" at MIA should improve administrative feasibility, therefore facilitating tighter administrative controls and security.

**IV. ECONOMIC IMPACT**

Potential Minimum Annual Guarantee (MAG) to MIA from the proposed award.

- |   |             |
|---|-------------|
| 1. WTN/Blackstar/CKOR Vending Joint Venture | \$1,089,312 |
| 2. Latin American Enterprises, Inc.         | \$1,081,495 |
| 3. Communitel, Inc.                         | \$1,080,009 |
| 4. Travelex Currency Services, Inc.         | \$701,000   |
| 5. Datawave Services, Inc.                  | \$300,000*  |

\* Plus annual CPI increase & \$50,000 payable upon execution of agreement

**V. COMMENTS AND QUESTIONS**

- Are we setting a company up for failure based on the AMS findings of unrealistic Minimum Annual Guarantees?
- Could increased competition provide increased revenues to the County?



**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*RESOLUTION AUTHORIZING THE ALLOCATION OF \$850,000 FROM SURTAX INCENTIVE POOL FUNDS TO CAPTIVA CLUB ASSOCIATES, LTD FOR THE CAPTIVA CLUB APARTMENTS; AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS*

*RESOLUTION AUTHORIZING THE ALLOCATION OF \$750,000 FROM SURTAX INCENTIVE POOL FUNDS TO PINNACLE LAKES, LTD. FOR THE PINNACLE LAKES APARTMENTS; AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS*

*RESOLUTION AUTHORIZING ALLOCATION OF \$1,000,000 FROM SURTAX INCENTIVE POOL FUNDS TO OPA-LOCKA COMMUNITY DEVELOPMENT CORPORATION, INC. FOR THE WESTVIEW TERRACE APARTMENTS; AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE ANY NECESSARY AGREEMENTS*

Miami-Dade Housing Agency

**I. SUMMARY**

The Miami-Dade Housing Agency is recommending the allocation of Surtax Incentive Pool Dollars to the following groups. Captiva Club Associates, Ltd for the Captiva Club Apartments, \$850,000; Pinnacle Lakes, Ltd. for the Pinnacle Lakes Apartments; and to the Opa-locka Community Development Corporation, Inc. for the Westview Terrace Apartments, \$1,000,000.

**II. PRESENT SITUATION**

The three projects have all been approved for public dollars as listed below. The development costs of the four projects have increased causing a shortfall in funding.

Source of Public Funds	7G1H Westview Terrace Apartments	7G1B Captiva Club Apartments	7G1G Pinnacle Lakes Apartments
SHIP Loan	\$1,000,000		
Local Initiative Support Loan	1,000,00		
CDBG	1,000,000		
Tax Credit Equity		\$4,093,000	\$4,460,965
1 <sup>st</sup> Mortgage, Tax Equity		5,530,000	
SHIP Subsidy		1,000,000	
Surtax Funds		750,000	2001 – 750,000 2002 – 250,000 2003 – 1,000,000

**BCC ITEM 7(G)(1)(B), 7(G)(1)(G), 7(G)(1)(H),  
October 13, 2004**

Source of Public Funds	7G1H Westview Terrace Apartments	7G1B Captiva Club Apartments	7G1G Pinnacle Lakes Apartments
HUD Sec. 202 Grant			
Empowerment Trust Grant			
Tax Exempt Bonds			8,650,000
<b>Total</b>	<b>\$12,374,617</b>	<b>\$13,373,000</b>	<b>\$15,274,681</b>

### **III. POLICY CHANGE AND IMPLICATION**

These allocations will help create approximately 780 additional homes for low income families in the County.

### **IV. ECONOMIC IMPACT**

Additional Surtax Incentive Funds will be required to fill the financing gap for these four projects.

	7G1H Westview Terrace Apartments	7G1B Captiva Club Apartments	7G1G Pinnacle Lakes Apartments
New Surtax Incentive Pool Dollars	\$1,000,000	\$850,000	\$500,000 + \$250,000 Placed in Reserve
<b>Total</b>	<b>\$15,403,457</b>	<b>\$14,551,104</b>	<b>\$16,024,681</b>

The units to be funded will be available for low income families. The Gross Rent for each development is listed below:

	7G1H Westview Terrace Apartments	7G1B Captiva Club Apartments	7G1G Pinnacle Lakes Apartments
Gross Rent (Units)	Studio - \$487-542 (52) 1 Bed - \$592-618 (219) 2 Bed - \$713-787 (147) 3 Bed - \$855 (2) 4 Bed - \$882 (1)	1 Bed - \$506 (16) 2 Bed - \$613 (80) 3 Bed - \$708 (40)	1 Bed - \$513 (38) 2 Bed - \$615 (142) 3 Bed - \$711 (39) 4 Bed - \$793 (7)

### **V. COMMENTS AND QUESTIONS**

- With construction prices on the rise, will the County be able to continue to supplement this type of housing?

## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND HNTB CORPORATION, TO PROVIDE PLANNING AND PRELIMINARY ENGINEERING SERVICES FOR THE EAST-WEST CORRIDOR, CONTRACT NO. TR04-EWC-R, IN AN AMOUNT NOT TO EXCEED \$29,988,896*

Miami-Dade Transit

### I. SUMMARY

This resolution requests the approval of a Professional Services Agreement (PSA) with HTNB Corporation to provide engineering and consulting services for the East/West Corridor Metrorail Expansion project contained in the Peoples Transportation Plan (PTP).

### II. PRESENT SITUATION

HTNB Corp. was previously providing similar professional Services for the development of the North Corridor Project.

PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC. is also providing similar services for the North Corridor project as well as the Earlington Heights Connector project. The County has awarded approximately \$5,906,740 to Parsons to date for these services.

When this item was originally advertised, the cost estimated for these services was \$2,000,000.

Subsequent to the advertisement, MDT was advised by the FTA that items previously utilized for this project would have to be re-done.

After MDT and HTNB negotiated for the new 'Scope of Work' the cost of the project escalated to approximately \$29.9 million. (SEE IMPLICATIONS)

### III. POLICY CHANGE AND IMPLICATION

Use of these types of PSAs is consistent with County Policy.

However, because the Scope of Work was dramatically changed and the total cost of these services went from an estimated \$2,000,000 to an estimated \$29.9 million some may contend that we could have received more competition for the larger project and thus received more competitive pricing from other firms.

**IV. ECONOMIC IMPACT**

The Contract ceiling established for this PSA is \$29,888,896.

Funding for this agreement will come from various sources including the PTP Surtax. This contract ceiling is estimated into the total project cost of approximately \$1.2 billion.

**V. COMMENTS AND QUESTIONS**

How will this, and similar, agreements effect, or relate to, the services being sought under the \$ 85 million Master Program Consultant contract approved to be advertised by the Board earlier this year?

If this award recommendation is delayed due to the changes associated with the Scope of Work, and the Board requests that it be Re-advertised with the new Scope of Work, it would delay this phase of the East/West Corridor project by the amount of time necessary to go back through the competitive process and award a new contract.

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*RESOLUTION AMENDING PROCUREMENT ADMINISTRATIVE ORDER 3-38;  
FORMALIZING THE PROCEDURE BY WHICH MARKET RESEARCH IS  
CONDUCTED*

Procurement Management Department (DPM)

**I. SUMMARY**

This resolution amends Master Procurement Administrative Order 3-38 to formalize the procedure by which market research is conducted in anticipation of a County procurement.

**II. PRESENT SITUATION**

Market research in procurement planning has been a federal statutory requirement since the passage of the Competition in Contracting Act of 1994. In general, market research is a tool to identify sources to ensure competition (and impediments in acquisitions) and the best products to meet an agency's needs.

County staff conducts market research for a number of reasons, to include development of contract specifications and scope of work, determining the availability of sources of supply, and identifying how certain needs can be met and the associated costs. The methods and extent of market research can vary depending on the good or service under consideration.

**III. POLICY CHANGE AND IMPLICATION**

The amendment would formalize market research procedures in the existing Master Procurement A.O. and requires that the user department and/or DPM contact at least three (3) different sources in the affected market. It further requires documentation of research conducted and provides for periodic compliance reviews by the Office of Inspector General (OIG).

**IV. ECONOMIC IMPACT**

This item is mainly formalizing the market research that should already be taking place; however, it does help ensure that every procurement item is thoroughly reviewed and incorporates multiple sources of information so that the County is procuring the proper goods and services at the best price, while ensuring competition wherever possible.

According to DPM, the OIG has agreed to check compliance with market research requirements periodically with existing staff.

**V. COMMENTS AND QUESTIONS**

The existing draft DPM Procurement Guidelines regarding market research referred to in the resolution is attached.

**BCC ITEM 7(O)(1)(A)**  
**November 30, 2004**

Market research techniques from Federal Acquisition Regulations include:

- 1) contacting knowledgeable individuals in the government and industry regarding market capabilities to meet the acquisition requirements;
- 2) publishing formal requests for information in appropriate technical journals or business publications; and
- 3) involving potential offerors in interchange meetings or holding presolicitation conferences early in the acquisition process.

What is the feasibility or status of creating a government-wide database for storing, retrieving and analyzing market data?

DPM indicates that the capability exists through Electronic Document Management System (EDMS), a business solution for the retention and searchable storage of documents. Many County departments are already using EDMS to some extent and saving time, space and money in the process. In a short period of time, market research performed and collected by DPM or Departments or internal County analysis conducted on the market data research could be made available County wide through EDMS, but there is currently no funding for such a project.

## 5. MARKET RESEARCH

Market research must be conducted in anticipation of a County procurement in order to ensure that specifications are suitable for fair and open competition. Market Research is the foundation for developing an effective solicitation and successful contract that includes terms and conditions consistent with sound business practices and the County's procurement laws.

### *Purpose of Market Research*

The primary purpose of market research in public procurement is to determine the availability of sources of supply or alternatives solutions that will meet minimum requirements. Market research should always begin with the intent to satisfy a legitimate County requirement or need. The need should be stated in terms of performance or functionality whenever practical. This of course means that the minimum requirements must be clearly understood and defined before market research can begin. Once the need has been established, market research must be conducted in order to determine the capability of the marketplace to meet the need of the County.

Market research includes identifying the attributes of existing products, processes or services that meet minimum requirements, or identifying the characteristics that a yet to be identified product, process or service must possess. Effective market research should provide adequate information regarding existing products or services; qualified sources; industry trends; pricing; and what other entities are doing to meet the same or similar requirements. Failure to conduct thorough market research may result in requests for sole source or bid waiver purchases that cannot be adequately justified.

It is extremely important that the integrity of the procurement process be sustained at the highest standards and that suppliers are given a fair opportunity to compete for County business. In anticipation of a County procurement, market research must be conducted to ensure that specifications are not exclusionary, restrictive or favor any one vendor or proposer.

### *When to Conduct Market Research*

When planning for a purchase (prior to or during the development of specifications or statements of work) of any dollar amount, the user department must conduct market research. Contact, whenever possible, a minimum of three different sources to determine if existing products or services are available to meet requirements or if existing products or services can be modified to meet requirements.

### *Market Research Techniques*

Research should include, whenever practical:

- a. The industry trends and customary terms and conditions regarding warranties, acceptance and inspection

- b. Buyer financing – method and best practices
- c. Standard maintenance support
- d. Capable sources (including small businesses)
- e. General pricing information and availability of product(s)
- f. Competitive factors such as quality, product features, speed of technology and typical lead time
- g. Commercial practices, other government entities practices; and industry support capabilities and practices.
- h. Environmental issues – recovery and disposal of products and energy efficiency standards as might be appropriate.

### *Extent of Market Research*

As indicated before, a minimum of three potential sources must be sought prior to or during the planning of a pending acquisition. However, the extent of market research may vary depending on factors such as urgency, the estimated dollar value, complexity, past experience and the amount of information already available. **It is important to remember that market research is not a substitute for full and open competition.** It is not to be used to determine which product or service, supplier or proposer is best. Market research is conducted to determine the availability of products or services that meet the County's minimum requirements and to ensure that specifications are not exclusionary or otherwise restrictive.

### *Sources of Research Data*

There are a variety of sources for information. However, perhaps the first place to start is with DPMs very own database of vendors. Using the NIGP commodity codes chosen by Miami-Dade County Registered and Enrolled Vendors, departments may find firms with the ability to meet their requirements. Departments may also contact one or more of the following:

- a. Subject matter experts within the County, other governments or private industry
- b. Publications and trade journals from industry
- c. Marketing organization, professional associations and tradeshow
- d. Colleagues from other jurisdictions
- e. NIGP website [www.NIGP.org](http://www.NIGP.org)
- f. About.com [www.about.com](http://www.about.com) (search engine)
- g. AltaVista [www.altavista.com](http://www.altavista.com) (search engine)
- h. Dogpile.com [www.dogpile.com](http://www.dogpile.com) (meta search engine – searches other search engines)
- i. Excite [www.excite.com](http://www.excite.com) (search engine)
- j. Fast Search [www.fastsearch.com](http://www.fastsearch.com) (search engine)
- k. Google [www.google.com](http://www.google.com) (search engine)
- l. Hotbot [www.hotbot.com](http://www.hotbot.com)
- m. Northern Lights [www.northernlights.com](http://www.northernlights.com)
- n. Yahoo [www.yahoo.com](http://www.yahoo.com)



- o. Find Articles [www.findarticles.com](http://www.findarticles.com)
- p. Hoovers [www.hoovers.com](http://www.hoovers.com)
- q. Thomas Register [www.thomasregister.com](http://www.thomasregister.com)
- r. Investment Reports [www.investext.com](http://www.investext.com)
- s. Census Bureau [www.census.gov](http://www.census.gov)
- t. OSHA [www.osha.gov](http://www.osha.gov)
- u. SEC [www.sec.gov](http://www.sec.gov)
- v. BLS [www.bls.gov](http://www.bls.gov)

#### *Documentation*

A record must be maintained that identifies the sources contacted, the date of the contact and the results of the communication. Said documents shall be maintained for review by the Inspector General to ensure staff's compliance with the required procedures and to report to the County Commission. While there is no specific format required for documenting the market research it should, at a minimum, identify the sources contacted, describe the process and methods used, and ensure that the specifications or statements of work are written in terms of performance and functionality.

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*RESOLUTION AMENDING RESOLUTION NO. 1589-94 RELATING TO THE ELECTED  
OFFICIALS RETIREMENT HEALTH INSURANCE PROGRAM*

Commissioner Natacha Seijas

**I. SUMMARY**

This item amends the Elected Officials Retirement Health Insurance Program, to extend group insurance coverage from up to ten (10) years to a maximum of fifteen (15) years for eligible past, current and future elected officials.

**II. PRESENT SITUATION**

The Elected Officials Retirement Health Program was created by resolution in 1992. The current Elected Officials Retirement Health Insurance Program provides former elected County officials *with at least five (5) years of service* with continued group health insurance coverage for up to ten (10) years. Former elected officials with *at least sixteen (16) years of service*, who are Medicare eligible, are also provided Medicare Supplements.

**III. POLICY CHANGE AND IMPLICATION**

This amendment increases the County-provided coverage period from up to ten (10) years to up to fifteen (15) years.

**IV. ECONOMIC IMPACT**

The County pays the premium for the elected official, who would only be responsible for any dependent premiums. The payment of this group health coverage is from the Health Insurance Trust Fund.<sup>1</sup>

The fiscal impact depends on the number of participants, the type and length of coverage, etc. According to General Services Administration (GSA), it has been minimal in the past, as there was only one (1) participant.

A rough estimate was provided by GSA: If just one elected official continues insurance coverage for the full 15 years, and assuming premium increases of 5% to 15% per year, it could potentially cost the County between \$181,000 and \$359,000 total. The additional five (5) years of coverage provided by this resolution would represent \$79,000 and \$204,000 of these totals, respectively.

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<sup>1</sup> The Health Insurance Trust Fund is paid into by all County departments and is used to pay all health insurance-related costs.

**BCC ITEM 10(A)(6)**

**November 30, 2004**

**V. COMMENTS AND QUESTIONS**

After the maximum years of County-provided health coverage, are the former elected officials allowed to participate in the Consolidated Omnibus Budget Reconciliation Act (COBRA), in which they can pay what was previously the employer's premium to continue the coverage for a certain period of time?

## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

### *RESOLUTION ENDORSING THE PERUVIAN CONSULAR IDENTIFICATION CARD FOR OFFICIAL IDENTIFICATION PURPOSES*

Senator Javier D. Souto

#### I. SUMMARY

This resolution if approved will allow the use of the Peruvian Consular Identification Card for official identification purposes to Miami-Dade County. The Consular Identification Card is provided by the Peruvian Government to its nationals who live in the United States. The Consular Identification card **does not change the holders' Immigration Status.**

#### II. PRESENT SITUATION

These illegal immigrants lack proper identification which makes it difficult for law enforcement to identify. At the present time, the US Department of Treasury allows the Consular Identification to be used for banking purposes. The US Patriot Act of 2001 requires that Financial Institutions have proof positive of their customers. Currently State and Local Authorities have the option to elect to accept the Card as an official form of Identification. According to the 2000 Census, 44,026 Peruvians resided in the US (18.8% of Peruvian in the US). Miami-Dade's Peruvian population is 23,327 according to the 2000 Census.

#### III. POLICY CHANGE AND IMPLICATION

The consular identification card does not indicate the immigration status of the holder. These cards are issued by a foreign government and do not under any circumstances, give the holder the rights or privileges denoted by legal immigration status. The consular identification card is not a driver's license and law enforcement personnel are advised to treat the consular identification card the same as any state-issued identification card.

#### IV. ECONOMIC IMPACT

This item should not present a fiscal impact to the County.

#### V. COMMENTS AND QUESTIONS

- The FBI & Department of Justice have voiced concerns that the Consular Identification Card may be a threat to National Security.
- The Department of Treasury has determined that the Consular Identification Card meets the requirements of the Patriot Act of 2001.
- The Consular Identification Card does not change the migratory status of the Illegal Argentines which receive the ID.
- GAO Report raises concerns about acceptance of Consular IDs because of the lack of uniformity and possibility of fraud. (See GAO-Boarder Security)

August 2004

## BORDER SECURITY

## Consular Identification Cards Accepted within United States, but Consistent Federal Guidance Needed



Highlights of GAO-04-881, a report to Congressional Requesters

### Why GAO Did This Study

Several state and local government agencies and financial institutions accept consular identification (CID) cards, which are issued by foreign governments to their citizens living abroad. Mexico issued more than 2.2 million CID cards in 2002-2003 and Guatemala issued approximately 89,000 from mid-2002 to 2003. Critics of CID cards say their acceptance facilitates the unlawful stay within the United States of undocumented aliens and may provide opportunities for terrorists to remain undetected in this country.

GAO examined (1) the purpose of a CID card and how Mexican and Guatemalan CID cards are being used in the United States, (2) steps Mexico and Guatemala have taken to verify the identities of CID card applicants and incorporate security features in CID cards now used in the United States, and (3) the positions and policies of federal agencies regarding CID cards.

### What GAO Recommends

GAO recommends that the Homeland Security Council direct its task force to issue consistent guidance that would enable state and local governments and other institutions to assess the authenticity of foreign-issued CID cards. The Homeland Security Council declined to comment on this report. The Department of Homeland Security generally agreed with the report but offered some suggestions for clarifying the administration's position and practice.

[www.gao.gov/cgi-bin/getrpt?GAO-04-881](http://www.gao.gov/cgi-bin/getrpt?GAO-04-881)

To view the full product, including the scope and methodology, click on the link above. For more information, contact Laurie Ekstrand at (202) 512-2758 or [ekstrandl@gao.gov](mailto:ekstrandl@gao.gov).

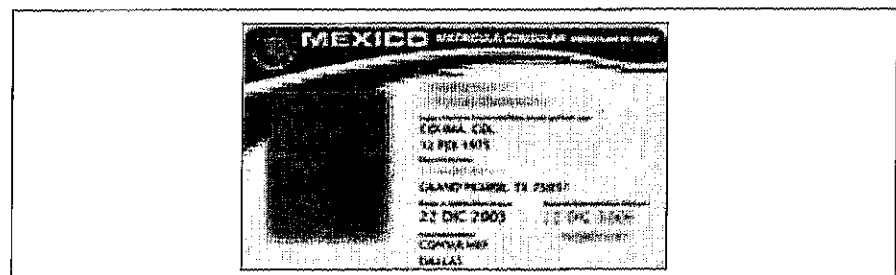
### What GAO Found

Consular identification cards are issued by some governments to help identify their citizens living in a foreign country. The cards do not certify legal residence within a country; thus, cardholders may be either legal or undocumented aliens. CID cards benefit the bearers by enabling them, in some instances, to use this form of identification to obtain driver's licenses, open bank accounts, show proof of identity to police, and gain access to other services.

Mexico and Guatemala each take multiple steps to help ensure that the process for qualifying applicants seeking to obtain CID cards verifies the applicants' identities. After receiving criticism about the reliability of its CID card, Mexico took steps to improve identity verification procedures for its CID card issuance process. However, the Mexican issuance policy still relies on visual, rather than computer-based, verification of some documents used to obtain CID cards, including birth certificates that the Federal Bureau of Investigation (FBI) says may be fraudulently obtained. Both Mexico and Guatemala incorporate a variety of security features in their CID cards, such as holographic imagery. However, officials of the Department of Homeland Security's (DHS) Bureau of Immigration and Customs Enforcement warn that incorporating technical security features into identification documents such as CID cards does not guarantee their authenticity.

Federal agencies hold different and, in some cases, conflicting views on the usage and acceptance of CID cards, and no executive branch guidance is yet available. A Homeland Security Council task force of executive branch agencies is reviewing identification document security but had not issued its findings at the time of GAO's review. The Department of the Treasury adopted a regulation in 2003 that, in effect, allows CID card acceptance, while an FBI official has stated that the Mexican CID card, in particular, is not a reliable form of identification and that its acceptance could support false identities. DHS expressed security concerns as well. The State Department has publicly expressed concerns about the impact restricting CID card use might have on U.S. citizens abroad, for example, if the United States had to issue its own CID cards in an emergency.

Sample of Mexican CID Card



Source: Mexican government.

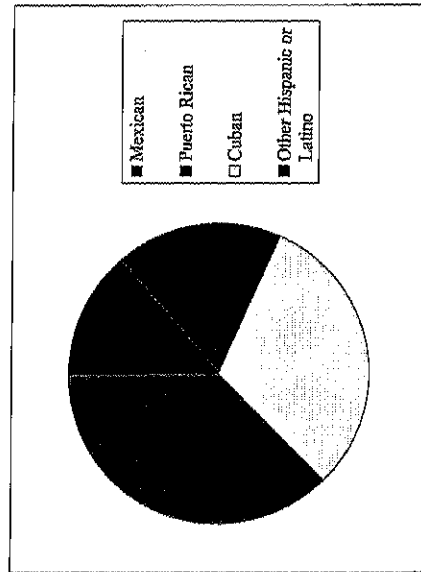
**Persons of Hispanic Origin by Country of Origin  
Miami-Dade County, Florida, 1990 and 2000**

	1990	2000	Change
<b>Total</b>	<b>953,407</b>	<b>1,291,737</b>	<b>338,330</b>
Cuban	563,979	650,601	86,622
Puerto Rican	72,827	80,327	7,500
Mexican	23,112	38,095	14,983
Dominican	23,475	36,454	12,979
Central American	119,534	128,903	9,369
Nicaraguan	74,244	69,257	-4,987
Honduran	18,102	26,829	8,727
Guatemalan	8,242	9,676	1,434
Salvadoran	7,339	9,115	1,776
Panamanian	6,729	5,863	-866
Costa Rican	4,743	4,706	-37
Other Central American	135	3,457	3,322
South American	108,768	154,348	45,580
Colombian	53,852	70,066	16,214
Peruvian	16,452	23,327	6,875
Venezuelan	9,846	21,593	11,747
Argentinian	8,585	13,341	4,756
Ecuadorian	7,986	10,560	2,574
Chilean	7,929	7,910	-19
Bolivian	2,309	2,418	109
Uruguayan	1,482	1,829	347
Paraguayan	166	434	268
Other South American	161	2,870	2,709
Other Hispanic	44,498	203,009	158,511

Source: U.S. Census Bureau, Census of Population, 2000, Summary File 1, and Census of Population 1990, STF1A and STF4A, Miami-Dade County Dept. of Planning & Zoning, 2001.

## Hispanic Population of Florida by Region of Origin/Nationality, Census 2000

Hispanic or Latino Origin	Number	Percent
Total population of Florida	15,982,378	100.0
Hispanic or Latino	2,682,715	16.8
Mexican	363,925	13.6
Puerto Rican	482,027	18.0
Cuban	833,120	31.1
Other Hispanic or Latino	1,003,643	37.4
Dominican (Dominican Republic)	70,968	2.6
Central American (excludes Mexican)	202,772	7.6
Costa Rican	11,248	0.4
Guatemalan	28,650	1.1
Honduran	41,229	1.5
Nicaraguan	79,559	3.0
Panamanian	15,117	0.6
Salvadoran	20,701	0.8
Other Central American	6,268	0.2
South American	301,236	11.2
Argentinean	22,881	0.9
Bolivian	4,659	0.2
Chilean	13,400	0.5
Colombian	138,768	5.2
Ecuadorian	23,939	0.9
Paraguayan	909	--
Peruvian	44,026	1.6
Uruguayan	4,045	0.2
Venezuelan	40,781	1.5
Other South American	7,828	0.3
Spaniard	14,110	0.5
All other Hispanic or Latino*	414,557	15.5

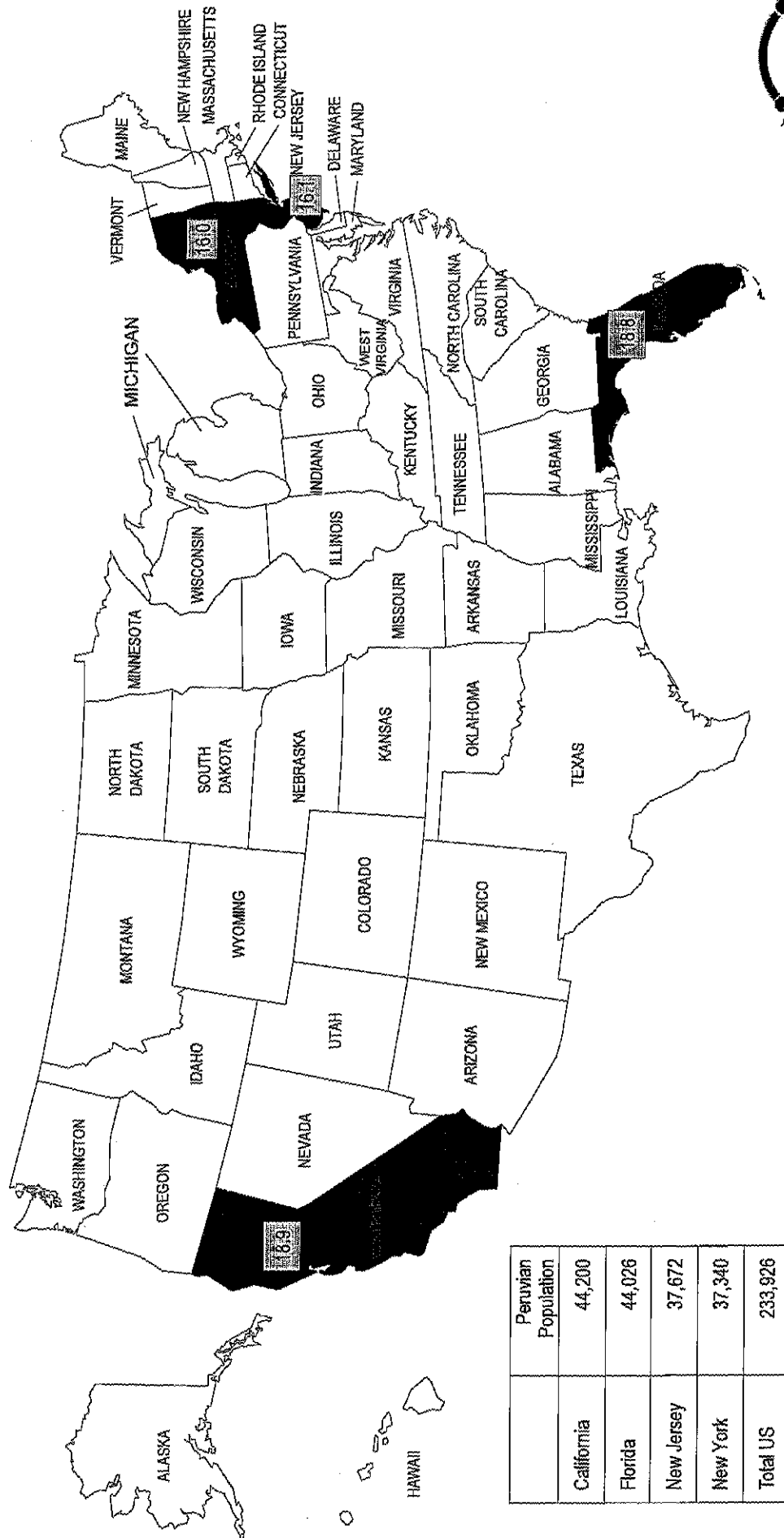


Source: U.S. Census Bureau, Census 2000, Summary File 1 and unpublished data.

\* Identified on census form as Hispanic or Latino without other nationality or origin reference



Peruvian Population of the U.S. in Percentages of Total Peruvian Population, by State, Census 2000  
(largest concentrations)



	Peruvian Population
California	44,200
Florida	44,026
New Jersey	37,672
New York	37,340
Total US	233,926